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EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS

Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

Report of the Secretary-General

I. INTRODUCTION

1. In paragraph 24 of its resolution 1995/92, entitled "Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights", the Commission on Human Rights requested the Secretary-General to report to it at its fifty-second session on measures taken to implement the resolution and on obstacles to its implementation. The present report has been prepared in accordance with that request.

II. ISSUES DEALT WITH BY RESOLUTION 1995/92 REQUIRING ACTION BY THE SECRETARY-GENERAL OR THE HIGH COMMISSIONER FOR HUMAN RIGHTS

A. Financial obligations under the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (para. 2 of resolution 1995/92)

2. It may be recalled that, in accordance with the amendments adopted by the States parties to the International Convention on the Elimination of All Forms of Racial Discrimination and to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as endorsed by the

General Assembly in resolution 47/111, the activities of the Committee on the Elimination of Racial Discrimination and the Committee against Torture have been financed under the regular budget of the United Nations since January 1994.

3. The Secretary-General has reported to the General Assembly at its fiftieth session on the financial situation of the Committee on the Elimination of Racial Discrimination and on the arrears of States parties to the International Convention on the Elimination of All Forms of Racial Discrimination from the non-payment of previous assessments (A/50/467).

4. In accordance with the normal practice, States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment whose contributions relating to the period 1987-1993 were still outstanding in full or in part were requested to fulfil their financial obligations.

B. Computerization (paras. 3 and 4 of resolution 1995/92)

5. A full-text information retrieval and database system is being developed for the Committee on the Rights of the Child by the Centre for Human Rights in cooperation with the United Nations Children's Fund, which will serve as a model for the databases to be developed for other human rights treaty bodies.

6. In 1992, in accordance with Commission on Human Rights resolution 1992/15, the Secretary-General invited States Members of the United Nations to make generous contributions for the establishment of a database for the treaty bodies, the costs of which were estimated to be US$ 508,500. As at 1 July 1995, US$ 111,643 had been received in contributions from Member States.

7. In accordance with Commission on Human Rights resolution 1995/92 and in the light of the insufficient funding received thus far, the Secretary-General sent another invitation to Member States soliciting contributions for the establishment of the database.

C. Final version of the interim report (A/CONF.157/PC/62/Add.11/Rev.1) on possible long-term approaches to enhancing the effective operation of the treaty system (para. 10 of resolution 1995/92)

8. Prof. Philip Alston, the expert appointed to undertake the study, intends to submit his final report to the Commission on Human Rights at its fifty-second session.

D. Consultations of the High Commissioner for Human Rights with human rights treaty bodies regarding his efforts to promote cooperation with regional intergovernmental organizations for the promotion and protection of human rights (para. 12 of resolution 1995/92)

9. The High Commissioner for Human Rights regularly informs the human rights treaty bodies about national, regional and subregional workshops, training courses and seminars organized by the Centre for interested government

officials on the implementation of international human rights instruments. Treaty body experts are regularly invited to participate in those events.

10. Additionally, the High Commissioner for Human Rights invited regional intergovernmental organizations to be represented at the sixth meeting of persons chairing the human rights treaty bodies, held at the United Nations Office at Geneva from 18 to 22 September 1995. The president of the European Commission on Human Rights and a judge of the European Court of Human Rights participated in the meeting.

11. The chairpersons, for their part, recommended at their sixth meeting that the human rights treaty bodies take increased cognizance of the related activities of regional human rights mechanisms. In particular, they recommended that modalities of cooperation and of exchange of information be explored by the respective secretariats and that existing databases on the jurisprudence of regional human rights regimes interface with databases to be developed by the United Nations for the human rights treaty bodies. The chairpersons also recommended that regional bodies continue to be invited to attend their future meetings.

E. Provision of advisory services and technical assistance to help States parties to comply with their obligations under human rights instruments at the request of the States concerned (para. 14 (b) of resolution 1995/92)

12. At the request of the Committee on the Rights of the Child, the High Commissioner for Human Rights since June 1995 has convened inter-agency meetings on a regular basis to exchange information and coordinate efforts regarding the provision of technical assistance to States parties to the Convention on the Rights of the Child who so request. The High Commissioner for Human Rights also participated in a discussion, held during the sixth meeting of persons chairing the human rights treaty bodies, on ways and means of providing assistance to States in implementing treaty body recommendations in general. Representatives of United Nations organs and specialized agencies as well as the relevant services of the Centre for Human Rights were present.

13. In their report to the Secretary-General, the chairpersons recommended that programmes of technical assistance be planned and implemented with the full cooperation and collaboration of all relevant parties, especially those having a presence in the field. The human rights treaty bodies, on their part, would consult widely before making recommendations concerning technical assistance to States parties to international human rights instruments.

F. Financing and adequate resources for the operations of the treaty bodies (para. 15 of resolution 1995/92)

14. In this connection, the attention of the Commission on Human Rights is drawn to the Secretary-General's report contained in document A/50/755, which provides information on the increase in the workload associated with the operations of treaty bodies under the reporting procedures and on the number

of staff assigned to provide substantive and technical support under those procedures; and on activities and staff assigned to support individual complaints procedures under the Optional Protocol to the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination.

G. Annual meetings of persons chairing the human rights treaty bodies (para. 17 of resolution 1995/92)

15. As requested in General Assembly resolution 49/178, measures have been taken to finance the meetings of persons chairing the human rights treaty bodies on an annual basis, as from 1995. Consequently, the sixth meeting of persons chairing the human rights treaty bodies was held from 18 to 22 September 1995. The report of the meeting to the General Assembly is contained in document A/50/505, annex.

H. Inventory of all international human rights standard-setting activities (para. 18 of resolution 1995/92)

16. The attention of the Commission on Human Rights is drawn to the report of the Secretary-General contained in document E/CN.4/1996/87 which updates the information contained in document E/CN.4/1995/81.

I. Dissemination of documentation on human rights (paras. 20 and 21 of resolution 1995/92)

17. Extensive consultations between the Centre for Human Rights and the Department of Public Information took place to explore ways and means to implement the Commission's request. A procedure has been put in place to ensure that reports submitted by States parties to treaty bodies and the concluding observations of treaty bodies be made available to the relevant United Nations information centres prior to and after the consideration of treaty implementation in a State party.

18. The publication by the Department of Public Information, at the end of each year, of a compilation of all concluding observations adopted by human rights treaty bodies has encountered financial difficulties and will have to be pursued further.

J. Manual on Human Rights Reporting (para. 22 of resolution 1995/92)

19. The Manual on Human Rights Reporting is available in all the official languages of the United Nations, except Russian. Action has been initiated to revise the Manual and to include in the revised version a chapter on the Convention on the Rights of the Child, as requested by the chairpersons of human rights treaty bodies.

K. Coordination and consultation by the High Commissioner for Human Rights on measures that may be taken by human rights treaty bodies in response to situations of massive human rights violations (para. 23 of resolution 1995/92)

20. Since its forty-fourth session in March 1994, the Committee on the Elimination of Racial Discrimination has incorporated in its agenda an item entitled "Early warning and urgent procedures". The Committee has also commenced the practice of bringing situations of massive violations of the Convention, together with action taken by the Committee in that regard, to the attention of the Secretary-General through the High Commissioner for Human Rights.

21. The question of measures that treaty bodies may take in response to situations of massive human rights violations and the coordination of action with other United Nations organs and bodies in that regard was at the heart of a meeting between the Secretary-General and the persons chairing human rights treaty bodies, which was held at United Nations Headquarters on 19 June 1995, with the participation of the High Commissioner for Human Rights.

22. At their sixth meeting, in September 1995, the chairpersons recommended that treaty bodies increasingly consult United Nations organs and bodies, including special rapporteurs of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, exchange information and utilize existing expertise in order to detect and respond appropriately to situations of massive violations of human rights.

23. The High Commissioner for Human Rights intends to bring those recommendations to the attention of the next meeting of Special Rapporteurs, representatives, experts and chairpersons of working groups of the Commission on Human Rights.